IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 4775 of 2006

Date of decision : 11.9.2006.

Dharambir

.....Petitioner.

Versus

Khacheru Mal & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Vikash Jain, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 14.6.2006 passed by the learned Civil Judge (Sr.Divn.),Faridabad dismissing the objections filed by the petitioner herein. The learned Executing Court has further issued warrants of possession in favour of respondents No. 1 to 3 under Order 21 Rule 32 C.P.C. by holding that the petitioner had violated the injunction order.

It is not in dispute that decree of permanent injunction passed in favour of respondents No. 1 to 3 has attained finality. The respondents No. 1 to 3 had filed an application under Order 21 Rule 32 C.P.C. for seeking warrant of possession on the ground that after passing of injunction order the petitioner herein has dispossessed respondents No. 1 to 3 from the property in dispute.

The learned counsel for the petitioner contends that under Order 21 Rule 32 C.P.C . there is no provision to issue warrant of possession in a decree relating to injunction and, therefore, the impugned order cannot be sustained. This contention of the learned counsel is totally misconceived. The executing Court in exercise of power under Order 21 Rule 32 C.P.C. is competent to issue warrant of possession to execute a decree for injunction when the party in violation of the said injunction order takes forcible possession thereof.

Therefore, there is no error or illegality in the order passed by the Court below which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

September 11,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**